

AMENDED IN ASSEMBLY MARCH 14, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 813

Introduced by Assembly Member Melendez

February 21, 2013

An act to amend ~~Section 15631~~ *Sections 15372 and 15501* of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 813, as amended, Melendez. Election ~~recounts~~, results.

Existing law requires each local elections official to prepare a certified statement of the results of each election, and requires the Secretary of State to compile election results and prepare, certify, and file a statement of the vote from the compiled results.

This bill would require the certified statement of the results of the election and the certified statement of the vote to be posted on the Internet Web sites of each local elections official and the Secretary of State in a downloadable spreadsheet format, as specified. By imposing new duties on local elections officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Existing law specifies requirements for challenging ballots in a recount and requires the elections official to determine whether a challenge is to be allowed.

~~This bill would make a technical, nonsubstantive change to this law.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 15372 of the Elections Code is amended*
2 *to read:*

3 15372. (a) The elections official shall prepare a certified
4 statement of the results of the election and submit it to the
5 governing body within 28 days of the election or, in the case of
6 school district, community college district, county board of
7 education, or special district elections conducted on the first
8 Tuesday after the first Monday in November of odd-numbered
9 years, no later than the last Monday before the last Friday of that
10 month.

11 (b) *The elections official shall post the certified statement of*
12 *the results of the election on his or her Internet Web site in a*
13 *downloadable spreadsheet format that may include, but is not*
14 *limited to, a comma-separated values file or a tab-separated values*
15 *file and that is compatible with a spreadsheet software application*
16 *that is widely used at the time of the posting.*

17 *SEC. 2. Section 15501 of the Elections Code is amended to*
18 *read:*

19 15501. (a) Except as to presidential electors, the Secretary of
20 State shall compile the results for all of the following:

21 (1) All candidates for statewide office.

22 (2) All candidates for Assembly, State Senate, Congress, State
23 Board of Equalization, Supreme Court, and Courts of Appeal.

24 (3) All statewide measures.

25 (b) The Secretary of State shall prepare, certify, and file a
26 statement of the vote from the compiled results no later than the
27 38th day after the election. *The Secretary of State shall post the*
28 *certified statement of the vote on his or her Internet Web site in a*
29 *downloadable spreadsheet format that may include, but is not*
30 *limited to, a comma-separated values file or a tab-separated values*

1 *file and that is compatible with a spreadsheet software application*
2 *that is widely used at the time of the posting.*

3 (c) The Secretary of State may gather returns for local elections,
4 including, but not limited to, the following:

- 5 (1) Candidates for county office.
- 6 (2) Candidates for city office.
- 7 (3) Candidates for school and district office.
- 8 (4) County ballot measures.
- 9 (5) City ballot measures.
- 10 (6) School and district ballot measures.

11 *SEC. 3. If the Commission on State Mandates determines that*
12 *this act contains costs mandated by the state, reimbursement to*
13 *local agencies and school districts for those costs shall be made*
14 *pursuant to Part 7 (commencing with Section 17500) of Division*
15 *4 of Title 2 of the Government Code.*

16 ~~SECTION 1. Section 15631 of the Elections Code is amended~~
17 ~~to read:~~

18 ~~15631. On recount, a ballot may be challenged for~~
19 ~~incompleteness, ambiguity, or other defects, in accordance with~~
20 ~~the following procedure:~~

21 ~~(a) The person challenging the ballot shall state the reason for~~
22 ~~the challenge.~~

23 ~~(b) The official counting the ballot shall count it as he or she~~
24 ~~believes proper and then set it aside with a notation as to how it~~
25 ~~was counted.~~

26 ~~(c) The elections official shall, before the recount is completed,~~
27 ~~determine whether the challenge is to be allowed. The decision of~~
28 ~~the elections official is final.~~